

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

SUE BELL,

Plaintiff,

VERSUS

HERCULES LIFTBOAT COMPANY, L.L.C.

Defendant.

*** CIVIL ACTION NO. 6:13-cv-00776**

*** JUDGE RICHARD T. HAIK, SR.**

*** MAGISTRATE C. MICHAEL HILL**

DEFENDANT’S RULE 12(b)(6) MOTION TO DISMISS

NOW INTO COURT, through undersigned counsel, comes defendant, Hercules Liftboat Company, LLC (“Hercules”), and respectfully moves this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing plaintiff’s “Petition for Damages,” on the grounds that the plaintiff’s lawsuit fails to state a claim upon which relief can be granted and should, therefore, be dismissed as a matter of law.

Respectfully submitted,

/s/ Stephen P. Beiser

STEPHEN P. BEISER, T.A. (#14074)

SUSANNE VETERS (#27361)

McGLINCHEY STAFFORD PLLC

601 Poydras Street – 12th Floor

New Orleans, Louisiana 70130

Telephone: (504) 586-1200

Facsimile: (504) 324-0965

AND

KYLE A. FERACHI (#27458)
McGLINCHEY STAFFORD PLLC
Fourteenth Floor, One American Place
Baton Rouge, Louisiana 70825
Telephone: (225) 383-9000
Facsimile: (225) 343-3076
Attorneys for Defendant,
Hercules Liftboat Company, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel listed below via the Court's CM/ECF system on this 4th day of June, 2013.

Charlotte C. McDaniel McGehee
Charlotte C. McDaniel McGehee APLC
6513 Perkins Road
Baton Rouge, Louisiana 70808
charlotte@mcdanielmcgehee.com
Attorney for Plaintiff

/s/ Stephen P. Beiser

STEPHEN P. BEISER